

CITY OF NEWPORT BEACH

Restrictions on the Display of Temporary Political Signs

In order to protect public property and reduce visual clutter and distractions to drivers while protecting residents' rights to free speech, the City of Newport Beach has an extensive Sign Ordinance regulating the display of signs within the City.

Most political campaign signs are a form of temporary noncommercial sign. For constitutional reasons, all temporary signs posted *legally* in Newport Beach are treated in the same way, regardless of the message's topic or content.

Unfortunately, many signs are posted *illegally*. This information is designed to assist political candidates by informing them of the City's regulations for displaying political campaign and issue signs.

1) **Where may political signs be displayed?**

On private property, a certain amount of temporary signage is allowed in addition to any permanent signs allowed on the property under the Sign Ordinance. However, **no sign may be displayed without the permission of the property owner**. If the amount of signage per residence, establishment or parcel exceeds that allowed under the Sign Ordinance, an administrative Notice of Violation may be issued to the property owner.

- **On private residential property** up to three (3) temporary noncommercial signs may be displayed at each residence. If the resident chooses, all three signs could be political signs. No sign permit is needed for these signs. There is no limit on the length of time the noncommercial signs on residential properties may be displayed. However the three signs must not total more than six square feet in area. (This could permissibly result in one six square foot sign, or two three square foot signs, or three two square foot signs, or other similar combinations.) In addition, when the signs are displayed outdoors, they must be displayed so that the top of the sign structure is no higher than four feet above the ground.
- **On private nonresidential property** the property owner or tenant of a nonresidential establishment may choose to substitute a temporary sign with a noncommercial message (such as a candidate's political sign) for any other temporary sign that he or she could legally display. For example, commercial establishments have allowances for promotional temporary signs and banners up to four times per year, not to exceed 120 total days per year. Commercial establishments are limited in the number, size and display duration of temporary signs they may display. Display of temporary political signs at these establishments will result in a commensurate reduction of the total temporary sign allowance available for commercial purposes that year at that establishment.

On public property, no unattended private party signs may be displayed. The City of Newport Beach has always prohibited the posting of temporary signs on its streets, sidewalks, parkways, medians, public rights of way, trees, landscaping, structures, telephone and utility poles, and other fixtures. This prohibition is in place to protect the safety of persons posting and removing signs, to reduce damage to City property and landscaping, prevent excessive visual clutter in the public right of way, and to reduce distractions to drivers. When an unattended temporary sign is discovered on public property, it will be removed by the City. If a candidate or his or her supporters continue to violate the Municipal Code in this manner, an administrative Notice of Violation may be issued to deter repeated violations that can lead to unsafe situations for drivers, City staff, and the persons posting the signs.

Signs that are removed from public property by City staff will be disposed of immediately.

Taping or affixing signs to utility poles or other City fixtures is prohibited and causes costly damage during removal.

2) Durational Limits – when can signs be posted, and when must they be removed?

- **On private residential property** there is no limit on the period during which the permitted amount of temporary noncommercial signs can be displayed. At some point, however, the tattered and unsightly condition of deteriorating signs may mandate their removal under the Municipal Code's nuisance provisions.
- **On private nonresidential property** temporary political signs are subject to the time restrictions applied to a commercial establishment's temporary sign allowance, detailed in the Sign Ordinance.
- **On public property** private party signs are not permitted for any length of time, and will be removed by City staff when they are discovered.

3) Details of Sign Regulations in the Newport Beach Municipal Code

If you are interested in the details of Newport Beach's sign regulations, you may want to look at the following sections of the Municipal Code:

No posting of signs, posters or handbills on public fixtures or trees – NBMC 5.42.130

No posting of signs on street – NBMC 5.42.140

Message Substitution Clause – NBMC 20.42.030(C)

Property owner's permission needed for sign display – NBMC 20.42.030(G)

Definition of temporary sign – NBMC 20.42.040

Types of prohibited signs – NBMC 20.42.050

Standards for temporary signs – NBMC 20.42.090(A) and Table 3-18

No temporary signs on public property – NBMC 20.42.090(B)(1)

Noncommercial signs on private residential property – NBMC 20.42.100(B)(1)(o)

DEPARTMENT OF TRANSPORTATIONDIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING PROGRAM

Dear Candidate or Committee Member:

As a candidate or campaign worker for either office or a ballot measure, this reminder about State law governing campaign signs should be helpful to you.

Section 5405.3 of the State Outdoor Advertising Act exempts the placing of Temporary Political Signs from normal outdoor advertising display requirements.

A Temporary Political Sign meets the following criteria:

- A. Encourages a particular vote in a scheduled election.
- B. Is placed no sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- C. Is no larger than 32 square feet.
- D. Has had a Statement of Responsibility filed with the Department certifying a person who will be responsible for removing the sign (Attached).

A completed Statement of Responsibility must be submitted to:

Division of Traffic Operations
Outdoor Advertising Program
P.O. Box 942874, MS-36
Sacramento, CA 94274-0001

Temporary Political Signs shall not be placed within the right-of-way of any highway, or be visible within 660 feet from the edge of the right-of-way of a classified "Landscaped freeway".

State law directs the Department of Transportation to remove unauthorized Temporary Political Signs and bill the responsible party for their removal. We are calling these provisions to your attention to avoid possible embarrassment or inconvenience to you and your supporters. Please share this information with those assisting in your campaign.

Should you have any questions, comments or need additional information, please call (916) 654-6473.

Enclosure

DEPARTMENT OF TRANSPORTATIONDIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING PROGRAM**STATEMENT OF RESPONSIBILITY FOR TEMPORARY
POLITICAL SIGNS**

Election Date: _____ June _____ November Other: _____

Candidate's Name: _____

Office sought or Proposition Number: _____

County where sign(s) will be placed: _____

Number of signs to be placed: _____

RESPONSIBLE PARTY:

Name: _____

Address: _____

Phone Number (Include Area Code) _____

The undersigned hereby accepts responsibility for the removal of Temporary Political Signs placed pursuant to Section 5405.3 of the Outdoor Advertising Act for the above candidate or proposition.

It is understood and agreed that any Temporary Political Signs placed sooner than ninety (90) days prior to the election and/or not removed within ten (10) days after the election, may be removed by the Department and the responsible party will be billed for any associated removal costs.

SIGNATURE OF RESPONSIBLE PARTY_____
DATE**Mail Statement of Responsibility to:**Division of Traffic Operations
Outdoor Advertising Program
P.O. Box 942874, MS-36
Sacramento, CA 94274-0001